

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

BART M. YAGLA, JR.,)
)
Plaintiff,) Civil Action No. 2:21-cv-1242
)
vs.) District Judge Robert J. Colville
COUNTY OF FAYETTE, et al.,) Magistrate Judge Lisa Pupo Lenihan
)
Defendants.)

ORDER OF COURT

Currently pending before the Court is the Report and Recommendation (ECF No. 28) filed by Magistrate Judge Lisa Pupo Lenihan. Judge Lenihan's April 7, 2022 Report and Recommendation recommends that the Court deny Plaintiff's Motion for Preliminary Injunction (ECF No. 13) in this pro se civil rights action. In her Report and Recommendation, Judge Lenihan explained: "the Court finds that Plaintiff has failed to carry his burden of demonstrating that he is entitled to the extraordinary relief of an injunction and recommends that this Motion be denied." Report and Recommendation 5, ECF No. 28. Plaintiff filed timely Objections (ECF No. 29) to Judge Lenihan's Report and Recommendation on April 20, 2022. This matter is ripe for disposition.

Objections to a magistrate judge's disposition of a dispositive matter are subject to de novo review before the district judge. 28 U.S.C. § 636(b)(1)(B)-(C); Fed. R. Civ. P. 72(b)(3). The reviewing district court must make a de novo determination of those portions of the magistrate judge's report and recommendation to which objections are made. *Id.* Following de novo review, "[t]he district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions." Fed. R. Civ. P. 72(b)(3).

The United States Court of Appeals for the Third Circuit has explained that, “even absent objections to the report and recommendation, a district court should ‘afford some level of review to dispositive legal issues raised by the report,’” and has “described this level of review as ‘reasoned consideration.’” *Equal Employment Opportunity Comm’n v. City of Long Branch*, 866 F.3d 93, 100 (3d Cir. 2017) (quoting *Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987)).

Upon consideration of Judge Lenihan’s April 7, 2022 Report and Recommendation and Plaintiff’s Objections thereto, and following a de novo review of the relevant docket entries and the entire record in this matter, it is hereby ORDERED as follows:

The Court agrees with the well-reasoned analysis set forth in Judge Lenihan’s Report and Recommendation, and the Court accepts and adopts Judge Lenihan’s Report and Recommendation in its entirety as the opinion of the Court with respect to Plaintiff’s Motion for Preliminary Injunction. Plaintiff fails to set forth a sufficient basis for the extraordinary relief of a preliminary injunction. Plaintiff’s Objections to the Report and Recommendation are overruled. Plaintiff’s Motion for Preliminary Injunction is denied.

BY THE COURT:

s/Robert J. Colville
Robert J. Colville
United States District Judge

DATED: May 2, 2022

cc/ecf:

All counsel of record

Bart M. Yagla, Jr.
2020-0573
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